

Case Number CR-05-70848 HRL
ORDER OF DETENTION PENDING TRIAL

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Assistant U.S. Attorney E. Torpoco

PART I. PRESUMPTIONS APPLICABLE

This establishes a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

A. _____ for which a maximum term of imprisonment of 10 years or more is prescribed in 21 U.S.C. § 801 et seq., § 951 et seq., or § 955a et seq., OR

B. _____ under 18 U.S.C. § 924(c): use of a firearm during the commission of a felony.

This establishes a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

~~/X~~ No presumption applies.

PART II. REBUTTAL OF PRESUMPTIONS, IF APPLICABLE

11 The defendant has not come forward with any evidence to rebut the applicable presumption[s], and he therefore
12 will be ordered detained.

1 / / The defendant has come forward with evidence to rebut the applicable presumption[s] to wit:

Thus, the burden of proof shifts back to the United States.

PART III. PROOF (WHERE PRESUMPTIONS REBUTTED OR INAPPLICABLE)

☒ The United States has proved to a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required, AND/OR

11 The United States has proved by clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

PART IV. WRITTEN FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(X) The Court has taken into account the factors set out in 18 U.S.C. § 3142(g) and all of the information submitted at hearing and finds as follows: The defendant is charged with violating 8 USC § 324(a)(1)(A)(v) and (A)(LLI), conspiring to conceal, harbor and shield undocumented aliens for commercial advantage, in this case prostitution. He has an INS hold lodged against him. INS seized his bank accounts.

/ / Defendant, his attorney, and the AUSA have waived written findings.

PART V. DIRECTIONS REGARDING DETENTION

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on the request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated: 11/1/05

AUSA CATTY, PTS

Patricia V. Trumbull
PATRICIA V. TRUMBULL
United States Magistrate Judge